NOTIFICATION.

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No. L.D. 2401—Legis. 4-51-127, dated Bangalore, 25th March 1952.

Ordered that the Cinematograph Act, 1952 (Central Act, No. XXXVII of 1952), published in the *Gazette of India*, Part II, Section 1, dated the 21st March 1952, be republished in the *Mysore Gazette*, for general information.

By order of His Highness the Maharaja,

N. R. JAYA RAO,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA. 382

MINISTRY OF LAW.

Received assent on 21st March 1952.

THE CINEMATOGRAPH ACT, 1952.

(XXXVII of 1952).

AN

ACT.

to make provision for the certification of cinematograph films for exhibition and for regulating exhibitions by means of cinematographs.

BE it enacted by Parliament as follows :—

PART I

PRELIMINARY.

1. *Short title, extent and commencement.*—(1) This Act may be called the Cinematograph Act, 1952.

(2) Parts I, II and IV extend to the whole of India except the State of Jammu and Kashmir and Part III extends to Part C States only.

(3) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unles the context otherwise requires—

(*a*) "adult" means a person who has completed his eighteenth year;

(*b*) "Board" means the Board of Film Censors constituted by the Central Government under Section 3 ;

(*c*) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ;

(*d*) "district magistrate", in relation to a presidency-town, means the commissioner of police ;

(*e*) "place" includes a house, building, tent and any description of transport, whether by sea, land or air ;

(*f*) "prescribed" means prescribed by rules made under this Act.

PART II.

CERTIFICATION OF FILMS FOR PUBLIC EXHIBITION.

3. *Board of Film Censors.*—The Central Government may, by notification in the Official Gazette, constitute a Board of Film Censors, consisting of such number of persons as may be prescribed, for the purpose of examining and certifying films as suitable for unrestricted public exhibition or for public exhibition restricted to adults and prescribe the manner in which the Board shall exercise the powers conferred on it by this Act.

4. *Certification of films.*—(1) If the Board, after examination, considers that a film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition it is suitable for public exhibition restricted

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to adults, it shall grant to the person applying for a certificate in respect of the film a " U " certificate in the former case and an "A" certificate in the latter case, and shall, in either case, cause the film to be so marked in the prescribed manner, and any such certificate shall, save as hereinafter provided, be valid throughout India.

(2) If the Board is of opinion that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall inform the person applying for the certificate of its decision.

5. *Appeals.*—(1) Any person applying for a certificate, who is aggrieved by the dicision of the Board—

(*a*) refusing to grant a certificate, or

(*b*) granting only an "A" certificate,

may, within thirty days from the date of such decision, appeal to the Central Government, and the Central Government may, after such inquiry into the matter as it considers necessary, pass such orders thereon as it thinks fit.

(2) If the Central Government rejects an appeal on the ground that a film is neither suitable for unrestricted public exhibition nor for public exhibition restricted to adults, it shall, by notification in the Official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of India.

(3) For the purpose of disposing of any appeal under this section, the Central Government may demand the exhibition of any film before any authority specified in this behalf and call for the report of such authority thereon.

(4) Nothing in this section shall prevent the Central Government from calling at any time for the record of any proceeding of the Board relating to the refusal to grant, or the grant of, any certificate and in which no appeal has been preferred and to make such order in the case as to the Central Government may seem fit.

6. *Power of Central Government to modify orders under section* 4 *or section* 5.—Notwithstanding anything contained in this Part, the Central Government may, of its own motion by notification in the Official Gazette, direct that—

(*a*) a certified film shall be deemed to be an uncertified film in the whole or any part of India, or

(*b*) a film in respect of which a " U " certificate has been granted, shall be deemed to be a film in respect of which an "A" certificate has been granted :

Provided that before notification of such direction the person to whom the certificate was issued shall be given a fortnight's notice to show cause as to why such a direction be not notified.

7. *Penalties for contraventions of this Part.*—(1) If any person exhibits, or permits to be exhibited in any place,—

(*a*) any film other than a film which has been certified by the Board as suitable for unrestricted public exhibition or for public exhibition restricted to adults and which when exhibited displays the prescribed mark of the Board and has not been altered or tampared with in any way since such mark was affixed thereto, or

(*b*) any film, which has been certified by the Board as suitable for public exhibition restricted to adults, to any person who is not an adult,

he shall be punishable with fine which may extend to one thousand rupees,

and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues.

(2) If any person is convicted of an offence punishable under this section committed by him in respect of any film, the convicting court may further direct that the film shall be forfeited to the Government.

(3) The exhibition of a film, in respect of which an "A" certificate has been granted, to children below the age of three years accompanying their parents or guardians shall not be deemed to be an offence within the meaning of this section.

8. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Part.

(2) In particular, and without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(*a*) the number of persons who may constitute the Board and the manner in which the Board may exercise its powers, including the delegation of any of the powers of the Board to such person or persons as the Board may nominate in that behalf;

(*b*) the procedure of the Board for examining and certifying films as suitable for public exhibition and all matters ancillary thereto and the fees that may be levied by the Board;

(*c*) the appointment of officers subordinate to the Board and the regulation of the terms and conditions of service and the powers and duties of such officers;

(*d*) the conditions (including conditions relating to the length of films in general or any class of films, in particular) subject to which any certificate may be granted, or the circumstances in which any certificate shall be refused;

(*e*) the manner in which an appeal under this Part may be preferred;

(*f*) any other matter which by this Act is to be prescribed.

(3) All rules made by the Central Government under this Part shall be laid before Parliament as soon as may be after they are made.

9. *Power to exempt.*—The Central Government may, by order in writing exempt, subject to such conditions and restrictions, if any, as it may impose, the exhibition of any film or class of films from any of the provisions of this Part or of any rules made thereunder.

PART III.

Regulation of Exhibitions by means of Cinematographs.

10. *Cinematograph exhibitions to be licensed.*—Save as otherwise provided in this Part, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Part or otherwise than in compliance with any conditions and restrictions imposed by such licence.

11. *Licensing authority.*—The authority having power to grant licences under this Part (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of a Part C State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Part.

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12. *Restrictions on powers of licensing authority.*—(1) The licensing authority shall not grant a licence under this Part, unless it is satisfied that—

(*a*) the rules made under this Part have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the license is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licenses under this Part to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Part may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Goverment or the officer, as the case may be, may make such order in the case as it or he thinks fit.

(4) The Central Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

13. *Power of Central Government or local authority to suspend exhibition of films in certain cases.*—(1) The Lieutenant-Governor or, as the case may be, the Chief Commissioner, in respect of the whole Part C State or any part thereof, and the district magistrate in respect of the district within his jurisdiction, may, if he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be an uncertified film in the State, part or district, as the case may be.

(2) Where an order under sub-section (1) has been issued by the Chief Commissioner or a district magistrate, as the case may be, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the person making the same to the Central Government, and the Central Government may either confirm or discharge the order.

(3) An order made under this section shall remain in force for a period of two months from the date thereof, but the Central Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

14. *Penalties for contravention of this Part.*—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Part or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Part, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

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15. *Power to revoke licence.*—Where the holder of a licence has been convicted of an offence under section 7 or section 14, the licence may be revoked by the licensing authority.

16. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules—

(*a*) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Part ;

(*b*) providing for the regulation of cinematograph exhibitions for securing the public safety ;

(*c*) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 12 may be preferred.

17. *Power to exempt.*—The Central Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Part or of any rules made thereunder.

PART IV.

REPEAL.

18. *Repeal.*—The Cinematograph Act, 1918 (II of 1918), is hereby repealed :

Provided that in relation to Part A States and Part B States the repeal shall have effect only in so far as the said Act relates to the sanctioning of cinematograph films for exhibition.

K. V. K. SUNDARAM,
Secretary to the Government of India.